

REMARKS

By this Amendment, claims 1, 8, 25 and 35 have been amended. Accordingly, claims 1-35 are pending in the present application.

Claims 1 and 35 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,125,253 to Barber. Applicant respectfully traverses this rejection.

Among the limitations of independent claim 1 which are neither disclosed nor suggested in the prior art of record is a display structure which includes "a platform member positioned above the base and coupled to the gripping member such that downward movement of the platform member towards the base moves the gripping member into the position for receipt and clasping of the article."

Similarly, independent claim 35 is directed to a display structure which includes "at least one platform member positioned above the base and coupled to the at least one gripping member such that downward movement of the at least one platform member towards the base moves the at least one gripping member into the position for receipt and clasping of the article."

Applicant wishes to initially point out that Barber does not relate to a display structure, but rather is an adjustable multiple vice structure that is used to retain articles to be worked upon. See page 1, lines 8-36. In any event, the work-holder of Barber does not have a platform member that is moved in a downward direction towards the base so as to place the gripping member in a position for receipt and clasping of an article, as required by independent claims 1 and 35. Accordingly, as each and every limitation of

independent claims 1 and 35 are neither disclosed nor suggested in Barber, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-7 and 35 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,114,998 to Love. Applicant respectfully traverses this rejection.

While Love is directed to a jewelry display tray, the structure disclosed therein is quite different than that required by independent claims 1 and 35 of the present application. As shown in Figs. 1 and 2 of Love, the tray 1 includes a recess 2 in its lower face and an opening 4 extending from the recess to the top surface of the tray. A jewel holder 12 (*i.e.*, a gripping member) is located within the opening 4. See page 1, lines 47-98. With the structure of Love, however, in order to grip and release the jewel 21 from the jewel holder 12, the tray 1 must be lifted free from the support on which it is mounted, and the holder 12 actuated from underneath the tray by a finger of the user. See page 1, line 109 to page 2, line 30.

Unlike the tray of Love, the display structure of the present invention operates by moving a platform member in a downward direction towards the base so as to place the gripping member in a position for receipt and clasp of an article (see independent claims 1 and 35). With this structure, the present invention is able to remain on a support surface without having to be lifted off for removal of the article in the gripping member. In fact, inasmuch as Love teaches that the tray must be lifted off of its support surface to operate the jewel holder, it teaches away from the present invention as defined in independent claims 1 and 35. Accordingly, as each and every limitation of independent claims 1 and 35 are neither disclosed nor suggested in Love, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 2-7 depend either directly or indirectly from independent claim 1 and include all of the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. Accordingly, claims 2-7 are likewise patentable.

Claims 8-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2004/0195114 to Lau in view of U.S. Patent No. 2,144,336 to Katz and Love. Claims 21-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lau in view of Katz, Love, U.S. Patent No. 2,874,828 to Neugebauer and Official Notice. Applicants respectfully traverse these rejections.

Among the limitations of independent claims 8 and 25 which are neither disclosed nor suggested in the prior art of record is a display case which includes a platform member positioned above the base and "coupled to the gripping member such that downward movement of the platform member towards the base moves the gripping member into the position for receipt and clasping of the article."

As described above, the display case of the present invention operates by moving a platform member in a downward direction towards the base so as to place the gripping member in a position for receipt and clasping of an article. With this structure, the present invention is able to remain on a support surface without having to be lifted off for removal of the article in the gripping member. Unlike the present invention, however, Love specifically teaches that the tray must be lifted off of its support surface to operate the jewel holder, and thus teaches away from the present invention as defined in independent claims 8 and 25.

Neither Lau, Katz nor Neugebauer remedy any of the deficiencies of Love. None of these references, either alone or combined, teach or suggest a platform member positioned above the base and "coupled to the gripping member such that downward movement of the platform member towards the base moves the gripping member into the position for receipt and clasp of the article" as required by independent claims 8 and 25. Therefore, even if one were to combine the teachings of Love, Lau, Katz and/or Neugebauer, one would not arrive at the present invention as defined in independent claims 8 and 25.

Moreover, Applicant respectfully submits that one of skill in the art would have no motivation to combine the teachings of Love with those of Lau. Specifically, if one were to place the tray of Love into the jewelry box of Lau, one would have to remove the entire inserted tray of Love each time a jewel was placed in or removed from the box because the jewel could not be exchanged without actuation of the jewel holder from underneath the tray. In any event, there would still not be a platform that is moved in a downward direction toward the base as required by independent claims 8 and 25.

Accordingly, it is respectfully submitted that independent claims 8 and 25 patentably distinguish over the art of record, and reconsideration and withdrawal of these rejections is respectfully requested.

Claims 9-24 depend either directly or indirectly from independent claim 8 and include all of the limitations found therein. Claims 26-34 depend either directly or indirectly from independent claim 25 and include all of the limitations found therein. Each of these dependent claims includes additional limitations which, in combination

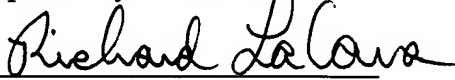
with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. Accordingly, claims 9-24 and 26-34 are likewise patentable.

In addition, Applicant respectfully disagrees with the Examiner's taking of "official notice" that attaching a pocket to the housing of a display case, as defined in claims 21-24 and 32-33, is well known in the art. While Applicant admits that information cards are known for jewelry items, such cards are typically attached to the jewelry item with a string. They are not provided in a pocket attached to the housing of the case. Accordingly, Applicant respectfully requests that the Examiner cite a reference showing a pocket attached to a housing of a display case or withdraw this rejection in accordance with MPEP §2144.03.

In view of the foregoing, favorable consideration of the amendments to claims 1, 8, 25 and 35, and allowance of the present application with claims 1-35 is respectfully and earnestly solicited.

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Respectfully submitted,

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